

**TOWN OF BEAUX ARTS VILLAGE
ORDINANCE NO. 422**

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON
RELATING TO THE TOWN'S BUILDING CODE; AMENDING BAVMC
15.05.010(3) TO ADDRESS PROVISIONS RELATING TO PERMIT TYPES;
ADDING BAVMC 15.05.010(5) TO REFERENCE THE OFFICE OF THE
HEARING EXAMINER; AND AMENDING BAVMC 15.05.040 TO ADOPT
UPDATED EDITIONS OF THE INTERNATIONAL CODES AND UNIFORM
PLUMBING CODE.

WHEREAS, RCW 19.27.031 requires the state building code to be in effect in all counties and cities; and

WHEREAS, the Town of Beaux Arts Village recognizes that RCW 19.27.060 allows governing bodies of counties and cities to amend the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code; and

WHEREAS, the Town of Beaux Arts Village intends to modify some sections of the administrative portions of the building codes; and

WHEREAS, the Town of Beaux Arts Village intends to reference the Office of the Hearing Examiner in the town's building codes; and

WHEREAS, the Town of Beaux Arts Village intends to adopt the 2015 Editions of the building codes; **NOW THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

SECTION 1. Beaux Arts Village Municipal Code Section 15.05.010(3) Applicability of Permits is amended to read as follows:

(3) Applicability of Permits.

- (a) Building Permit. Any person, firm, corporation, owner, or authorized agent intending to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, the installation of which is regulated by the codes adopted and amended by the Beaux Arts Village Municipal Code, or to cause any such work to be done, shall first make application to the building official and obtain the required building permit. Tree protection related to development regulated under a building permit shall be included in the scope of the building permit unless specifically excluded by the building official.

- (b) Demolition Permit. Any person, firm, corporation, owner, or authorized agent intending to demolish a structure or portion thereof, of which is regulated by the codes adopted and amended by the Beaux Arts Village Municipal Code, or to cause any such work to be done, shall first make application to the building official and obtain the required demolition permit. Where only a portion of a structure is being demolished and it is intended to be included with construction applicable with a building permit, the building official shall determine if a separate demolition permit is required.
- (c) Grading Permit. Any person, firm, corporation, owner, or authorized agent intending to grade, excavate, or conduct earthwork construction including fills and embankments, of which is regulated by the codes adopted and amended by the Beaux Arts Village Municipal Code, or to cause any such work to be done, shall first make application to the building official and obtain the required grading permit. Site work related to a building permit shall be included in the scope of the building permit unless specifically excluded by the building official.
- (d) Mechanical Permit. Any person, firm, corporation, owner, or authorized agent intending to erect, install, enlarge, alter, repair, remove, convert or replace any gas or mechanical system, the installation of which is regulated by the codes adopted and amended by the Beaux Arts Village Municipal Code, or to cause any such work to be done, shall first make application to the building official and obtain the required mechanical permit. The town is authorized to combine mechanical and plumbing permits into one combination permit.
- (e) Plumbing Permit. Any person, firm, corporation, owner, or authorized agent intending to erect, install, repair, relocate, replace, add to use, or maintain a plumbing system, the installation of which is regulated by the codes adopted and amended by the Beaux Arts Village Municipal Code, or to cause any such work to be done, shall first make application to the building official and obtain the required plumbing permit. The town is authorized to combine mechanical and plumbing permits into one combination permit.
- (f) Electrical Permit. Any person, firm, corporation, owner, or authorized agent intending to install, repair, relocate, replace, or convert any electrical wiring or system, or cause any such work to be done, shall first obtain an electrical permit from the Washington State Department of Labor and Industries. The building official is authorized to require that an electrical permit be obtained and/or finalized prior to finalizing any related building permit.
- (g) Commercial Right-of-Way Permit. Any person, firm, corporation, owner, or authorized agent intending to disturb the paved portion of any street in the town or the unpaved portion of any town right-of-way in order to install alter, repair, replace, remodel, or convert any underground utility or to perform

other work, or causing the same to be done, shall first obtain a commercial right-of-way permit from the town clerk. Storage of construction materials in the paved or unpaved portion of any town right-of-way is subject to the provisions of a commercial right-of-way permit as determined by the building official.

- (h) Right-of-Way Permit. Any person, firm, corporation, owner, or authorized agent intending to install plant material, improvements, and parking surface materials within the non-paved portions of the right-of-way shall first obtain a right-of-way permit from the town clerk unless the intended use is specifically listed as a use allowed outright without the need for permits or town review.
- (i) Tree Permit. Any person, firm, corporation, owner, or authorized agent intending to remove a tree, or causing the same to be done, of which is regulated by the Tree Code shall first obtain a tree permit from the Town Clerk. Any person, firm, corporation, owner, or authorized agent intending to impact a protected tree by site development or construction activities, or causing the same to be done, of which is regulated by the Tree Code shall first contact the building official to determine if a tree permit is required.
- (j) Other Permits. Any person, firm, corporation, owner, or authorized agent intending to construct a project requiring prior approval or a permit not specifically listed in this ordinance shall obtain prior approval or a permit from the appropriate regulatory agency.

SECTION 2. Beaux Arts Village Municipal Code Section 15.05.010(5) Office of the Hearing Examiner is added to read as follows:

(5) Hearing Examiner.

- (a) Where reference is made to the Board of Appeals in the codes adopted in Beaux Arts Village Municipal Code 15.05.040, the section shall be replaced with the language in Beaux Arts Village Municipal Code 2.25 regarding the Hearing Examiner.

SECTION 3. Beaux Arts Village Municipal Code Section 15.05.040 Building Code Adoption and Amendments is amended to read as follows:

- (1) **Adoption of the International Building Code.** The International Building Code (IBC), 2015 Edition, including ICC A117.1-2009 Accessible and Usable Buildings and Facilities and Appendix E – Supplementary Accessibility Requirements, as published by the International Code Council and adopted and amended by the State of Washington pursuant to Chapter 51-50 WAC, is adopted by reference, subject to the amendments set forth in this chapter. The 20125 International Existing Building Code is included in the adoption of this code in IBC Section 101.4.7 and amended in 51-50-480000 WAC. The provisions of the International Existing Building Code may be applied to the repair, alteration, change of occupancy, and relocation of existing buildings. The 2015

International Swimming Pool and Spa Code is included in the adoption of this code in IBC Section 3109 and amended in 51-50-3109 WAC. The provisions of the International Swimming Pool and Spa Code apply to the design and construction of swimming pools, spas, and other aquatic recreation facilities. Appendix J – Grading is included in the adoption of the International Building Code.

(a) **IBC 105.2 Work exempt from permit is amended to add the following under Building, as Item 14:**

14. Interior and exterior alterations and repairs that are nonstructural and for which the fair market value of the work performed does not exceed fifteen hundred dollars (\$1,500.00) in a twelve-month period.
15. Towers and poles owned by public utilities, including associated public and private equipment attached to such towers and poles. Note: Communication towers owned by private companies, and any equipment associated with such towers, are not exempt.

(b) **IBC 105.5.1 is added:**

105.5.1 Time limitation. All excavation or exterior construction shall be completed within one year after the date of issuance of the building permit. The building official may grant an extension of this period when the owner demonstrates justifiable cause.

(c) **IBC 105.5.2 is added:**

105.5.2 Exterior work. In the event that the timely completion of excavation or exterior construction does not meet the limitation in Section 105.5.1, the building official may notify the Town Council to arrange for completion of the exterior work so that it shall conform to the plans and specifications upon which the building permit was issued. If construction or excavation has proceeded only to the point where removal or restoration of the partially completed structure or excavation is more economical than completion, the Town Council may elect to accomplish the former. The reasonable cost of any such completion or removal and restoration shall constitute a lien in favor of the Town upon all of the real property involved.

(d) **IBC 105.5.3 is added:**

105.5.3 Town requirements. Prior to taking action as authorized in Sections 105.5.1 or 105.5.2, the Town shall:

- (a) Direct such completion or removal and restoration by written order;
- (b) Provide the owner of the Town's intention to implement IBC 105.5.2 at least thirty (30) days prior to commencing any work; and
- (c) Provide the owner an opportunity to appeal the Town's decision to the Council prior to the expiration of the notice period.

(e) **IBC J103.2 Exemptions is amended to add the following exemption from grading permit requirements:**

8. In any 12 consecutive months, movement of less than 50 cubic yards of earth materials which is less than 2 feet in depth.

(2) **Adoption of International Residential Code.** The International Residential Code (IRC), 2015 Edition, as published by the International Code Council, as adopted and amended by the State of Washington pursuant to Chapter 51-51 WAC, is adopted by reference with the following additions, deletions and exceptions: Provided that Chapters 11 and 25 through 43 of this code are not adopted. Provided that the Energy Code is regulated by Chapter 51-11R WAC. Provided that the Plumbing Code is regulated by Chapters 51-56 WAC. Provided that the standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and NFPA 54 (National Fuel Gas Code). Provided that all other fuel gas installations shall be regulated by the International Mechanical Code and International Fuel Gas Code. Appendix F – Radon Control Methods and Appendix Q – Dwelling Unit Fire Sprinkler Systems are included in adoption of the International Residential Code. The 2015 International Swimming Pool and Spa Code is included in the adoption of this code in IRC Section R326 and amended in 51-50-3109 WAC. The provisions of the International Swimming Pool and Spa Code apply to the design and construction of swimming pools, spas, and other aquatic recreation facilities.

(a) **IRC R105.2 Work exempt from permit is amended to add the following under Building, as Item 11:**

11. Interior and exterior alterations and repairs that are nonstructural and for which the fair market value of the work performed does not exceed fifteen hundred dollars (\$1,500.00) in a twelve-month period.
12. Towers and poles owned by public utilities, including associated public and private equipment attached to such towers and poles. Note: Communication towers owned by private companies, and any equipment associated with such towers, are not exempt.

(b) **IRC R105.5.1 is added:**

R105.5.1 Time limitation. All excavation or exterior construction shall be completed within one year after the date of issuance of the building permit. The building official may grant an extension of this period when the owner demonstrates justifiable cause.

(c) **IRC R105.5.2 is added:**

R105.5.2 Exterior work. In the event that the timely completion of excavation or exterior construction does not meet the limitation in Section R105.5.1, the building official may notify the Town Council to arrange for

completion of the exterior work so that it shall conform to the plans and specifications upon which the building permit was issued. If construction or excavation has proceeded only to the point where removal or restoration of the partially completed structure or excavation is more economical than completion, the Town Council may elect to accomplish the former. The reasonable cost of any such completion or removal and restoration shall constitute a lien in favor of the Town upon all of the real property involved.

(d) **IRC R105.5.3 is added:**

R105.5.3 Town requirements. Prior to taking action as authorized in Sections R105.5.1 or R105.5.2, the Town shall:

- (a) Direct such completion or removal and restoration by written order;
- (b) Provide the owner of the Town's intention to implement IRC R105.5.2 at least thirty (30) days prior to commencing any work; and
- (c) Provide the owner an opportunity to appeal the Town's decision to the Council prior to the expiration of the notice period.

(e) **IRC Table 301.2(1) is amended to read as follows:**

Roof and Ground Snow Load: 25 psf

Wind Speed: 110 mph

Wind Topographic Effects: No; wind exposure category and wind speed up effect shall be determined on a site-specific basis by the registered design professional in responsible charge

Seismic Design Category: D2

Weathering: Moderate; weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code

Frost Line Depth: 18"

Damage from Termites: Slight to Moderate

Winter Design Temperature: 22°F

Ice Barrier Underlayment Required: No

Flood Hazards: NA

Air Freezing Index: 170

Mean Annual Temperature: 51°F

- (3) **Adoption of the International Mechanical Code.** The International Mechanical Code (IMC), 2015 Edition, published by the International Code Council and adopted and amended by the State of Washington pursuant to Chapter 51-52 WAC, is adopted by reference with the following additions, deletions, and exceptions: Provided that the installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code. Provided that detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code. Provided that the

standards for liquefied petroleum gas installations shall be per the 2014 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2015 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

- (4) **Adoption of the Liquefied Petroleum Gas Code.** The 2014 Edition of the Liquefied Petroleum Gas Code (NFPA 58), as adopted by the State Building Code Council in Chapter 51-52 WAC together with Appendix Chapter A – Sizing and Capacities of Gas Piping, as published by NFPA is adopted by reference.
- (5) **Adoption of the National Fuel Gas Code.** The 2015 Edition of the National Fuel Gas Code (ANSI Z223.1/NFPA 54), as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA is adopted by reference.
- (6) **Adoption of the International Fuel Gas Code.** The International Fuel Gas Code (IFGC), 2015 Edition, published by the International Code Council as adopted by the State of Washington pursuant to Chapter 51-52 WAC, is adopted by reference.
- (7) **Adoption of the International Fire Code.** The International Fire Code (IFC), 2015 Edition, including Appendix B – Fire-Flow Requirements for Buildings and C – Fire Hydrant Locations and Distribution, as published by the International Code Council, as adopted and amended by the State of Washington pursuant to Chapters 51-54 WAC and as amended by the City of Bellevue, Washington in Chapter 23.11 of the Bellevue City Code is adopted by reference, subject to the amendments set forth in this chapter.
- (8) **Adoption of the International Property Maintenance Code.** The International Property Maintenance Code (IPMC), 2015 Edition, as published by the International Code Council, is adopted by reference except Sections 111, 302.3, 302.4, 302.8, 304.2, 304.8, 304.13 through 304.19, 305.3, 305.6, 308, 309.2 through 309.5, 404.1, 506.3, 605 and 606 are not adopted.
- (9) **Adoption of the International Energy Conservation Code/Washington State Energy Code.** The International Energy Conservation Code/Washington State Energy Code, 2015 Edition, as published in Chapter 51-11C WAC and Chapter 51-11R WAC, as adopted and periodically updated by the Washington State Building Code Council under the authority of RCW 19.27A.020, is adopted by reference.
- (10) **Adoption of the Uniform Plumbing Code.** The Uniform Plumbing Code (UPC), 2015 Edition, as published by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the State of Washington pursuant to Chapter 51-56 WAC, is adopted by reference together with the following additions, deletions and exceptions: Provided that Chapters 12 and 15 of the Uniform Plumbing Code are not adopted. Provided that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and those portions of the code addressing

building sewers are not adopted. Provided that “Lawn Sprinkler Heads” from Table 610.3 and Table 610.4 are excluded. The following appendices are also adopted by reference: Appendix A – Recommended Rules for Sizing the Water Supply System; Appendix B – Explanatory Notes on Combination Waste and Vent Systems; and Appendix I – Installation Standards. In addition, Appendix C – Alternate Plumbing Systems, excluding Sections C5 through C7, is adopted by reference.

- (11) **Adoption of the International Existing Building Code.** The International Existing Building Code (IEBC), 2015 Edition, as published by the International Code Council, as adopted and amended by the State of Washington pursuant to Chapter 51-50 WAC is adopted by reference.
- (12) **Adoption of the International Swimming Pool and Spa Code.** The International Swimming Pool and Spa Code (ISPSC), 2015 Edition, as published by the International Code Council, as adopted and amended by the State of Washington pursuant to Chapter 51-50-3109 WAC is adopted by reference.

SECTION 4. Beaux Arts Village Municipal Code Chapter 15.05 and Ordinance Nos. 377 and 405 as hereby amended and as previously amended are hereby ratified and confirmed and continued in full force and effect.

SECTION 5. Conflicts. In the event of a conflict between the building codes adopted by this ordinance and other provisions of this ordinance, the Beaux Arts Village Municipal Code shall take precedence. Nothing contained in any provision of this ordinance shall be construed to permit any use, occupancy, or construction that is not in conformance with the Town Zoning Code.

SECTION 6. Copies to be Available. At least one copy of the codes, regulations, and standards adopted by reference in this ordinance, in the form in which they were adopted, shall be filed in the office of the Town Clerk and shall be available for use and examination by the public.

SECTION 7. Limitation. The restrictions, limitations and requirements provided for in this ordinance are in addition to, and not in limitation of, any restrictions, limitations or requirements derived from any contract, deed or covenant pre-existing this ordinance.

SECTION 8. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 9. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage and publication, but no earlier than July 1, 2016.

PASSED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE and signed in authentication of its passage on the 14th day of June, 2016.



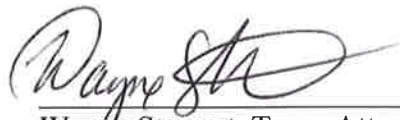
Richard Leider, Mayor

ATTEST:

APPROVED AS TO FORM:



Sue Ann Spens, Clerk-Treasurer



Wayne Stewart, Town Attorney

I certify that copies of the above ordinance were posted as required by law in the Town of Beaux Arts Village, Washington, on the 26th day of July, 2016.



Sue Ann Spens, Clerk-Treasurer

